

### **Remarks**

Claims 1 and 11 have been amended herein, and claims 1, 4-7 and 11 are currently pending. Reconsideration of this application in view of the above-noted amendments and the following remarks is respectfully requested.

#### **35 U.S.C. 112 – Claims 1-7 and 11-14**

Claims 1 and 11 have been amended to address the Examiner's claim rejections pursuant to 35 U.S.C. §112, and to improve clarity as well as antecedent basis. No new matter has been added by way of the present amendments to the claims.

Ample support for the previously-introduced term "disposed entirely within" is provided throughout the specification as originally filed, as for example in Figures 2 and 18-23. As would have been readily apparent to a person of ordinary skill in the art, the edge-to-edge assembly of the wall panels (so as to define the outer perimeter wall) inherently implies that the inner support panels must be disposed within the outer perimeter wall in their entirety. Nevertheless, having regard to the Examiner's objections, the applicant has removed the word "entirely" from currently amended claims 1 and 11 in order to improve clarity, and to obviate the Examiner's claim rejections pursuant to 35 U.S.C. §112. As amended, claims 1 and 11 recite "inner support panels disposed within the outer perimeter wall", for which direct support may be found in originally-presented claims 1 and 11. Additionally, in claims 1 and 11 as currently amended, the term "adjacent support panel connector means" has been modified to read "adjacent complementary support panel connector means" in order to clarify antecedent basis. Claims 2 and 3 have been cancelled without prejudice, thereby obviating the Examiner's rejections in relation thereto pursuant to 35 U.S.C. §112.

#### **35 U.S.C. 102 (b) - Claims 1-7 and 11-14**

In the outstanding Office Action mailed on 13 November 2009, claims 1-7 and 11-14 were rejected under 35 U.S.C. §102(b) as being anticipated by each of the disclosures of Piccone in U.S. patent no. 5,740,648 ("Piccone '648"), Majnaric et al. in U.S. patent no. 5,553,430 ("Majnaric '430"), and Grinshpun et al. in U.S. patent no. 6,247,280 ("Grinshpun '280"), and

claim 11 was rejected under 35 U.S.C. §102(b) as being anticipated by the disclosure of Lanc in U.S. patent no. 6,167,669 ("Lanc '669").

Claims 12-14 are cancelled herein without prejudice, thereby obviating the Examiner's claim rejections in relation thereto on the basis of each of Piccone '648, Majnaric '430, Grinshpun '280 and Lanc '669. To the extent that any 35 U.S.C. §102(b) rejections are maintained with respect to the currently amended claims, the Applicant traverses. In order for a reference to anticipate a claim, it must either expressly or inherently teach all of the limitations of the claimed invention. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP 2131.

As presently amended, independent claims 1 and 11 and the claims that depend therefrom are, respectively, directed to stay-in-place formwork for casting vertical concrete structures, to concrete structures made with and incorporating such formwork, and to kits comprising components thereof. The formwork comprises:

- a plurality of vertically elongate wall panels;
- assembled together in a vertical orientation and interconnected in edge-to-edge relationship *via* cooperative elongate wall interconnection means along each of the longitudinal edges of the wall panels ;
- to define an outer perimeter wall of formwork assembly; and,
- a plurality of inner support panels disposed within the outer perimeter wall and interconnected with the wall panels;
- at regular intervals;
- *via* the co-operative interconnection of connector means provided along the edges of the support panels and complementary support panel connector means provided on the inward-facing surface of the wall panels
- wherein the regular interval between adjacent complementary support panel connector means of the wall panels is conserved as a unit measure of width, and wherein the wall panels and support panels are dimensioned such as to have an overall effective width that is a whole number multiple of the unit measure of width.

As is described in detail throughout the specification as originally filed, the elimination of reliance upon a cellular arrangement within the formwork assembly and the proportionality that results from the implementation of a conserved unit measure of width for the wall panels and the support panels measure not only enhances structural rigidity, but also facilitates the scalability of the assembly such that desired variations in dimension of the wall or structure to be cast are readily accommodated without corrupting the regularity of support, and without requiring special-purpose panels and members to be manufactured and used. This, of course, leads to reductions in both manufacturing and labour costs, as well as increased efficiency in the construction of the wall or structure.

None of Piccone '648, Majnaric '430, Grinshpun '280 nor Lanc '669 describe nor suggest stay-in-place formwork having this combination of elements, and in particular none of Piccone '648, Majnaric '430, Grinshpun '280 nor Lanc '669 describe nor suggest stay-in-place formwork having: (a) the wall panels are joined together in edge-to-edge relationship to form an outer perimeter wall, and (b) a regular interval between adjacent complementary support panel connector means of the wall panels, wherein the regular interval is conserved as a unit measure of width, and wherein the wall panels and support panels are dimensioned such as to have an overall effective width that is a whole number multiple of the unit measure of width.

Consequently, in view of the current amendments made in response to the Examiner's rejections and to clarify the subject matter for which an exclusive property or privilege is claimed, the applicant respectfully submits that none of Piccone '648, Majnaric '430, Grinshpun '280 nor Lanc '669 may properly be understood, when taken alone or in combination, to disclose nor suggest, neither explicitly nor implicitly, the subject matter as defined in the currently amended claims. The applicant therefore respectfully submits that the Examiner's rejection under 35 U.S.C. §102(b) with respect to Piccone '648, Majnaric '430, Grinshpun '280 and Lanc '669 should be withdrawn in relation to the claims as currently amended.

### **Conclusion**

In view of the foregoing amendments and remarks, the Applicant believes the pending claims to be in condition for allowance. The issuance of a formal Notice of Allowance at an early date is

respectfully requested. If any issues remain or if the Examiner believes a telephone conference would expedite the prosecution of this application, the Applicant respectfully requests a telephonic interview prior to the preparation of any written Office Action.

Respectfully submitted,

By:



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Enclosures:

- Petition for Extension (three months)